

REMARKS**I. General**

The issues outstanding in the instant application are as follows:

- Claims 4, 5, 16-21, 29-36, 47 and 48 stand withdrawn;
- Claims 1-3, 6, 7, 22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as anticipated by “A Low Distortion PIN Diode Switch Using Surface Mount Devices”, Agilent Technologies, Application Note 1049, pages 1-10, 1999 (hereinafter the *Agilent Reference*);
- Claims 8-15, and 28 are objected to as being dependent upon a rejected base claim; and
- Claims 26, 27 and 37-46 are allowed.

Applicants would again like to express their appreciation for the indication of allowability of claims 8-15 and 28 and allowance of claims 26, 27 and 37-46. However, in light of the amendments presented above, Applicants hereby request reconsideration and withdrawal of the outstanding rejections. Claims 1-22 and 24-53 are currently pending in this application.

II. Applicant's Record Under § 713.04 of Telephone Interview With Examiner

Applicants acknowledge receipt of the Examiner's Interview Summary for the telephone interview of March 10, 2004. In supplement thereto, Applicants respectfully submit the following record of the telephone interview of March 10, 2004, under M.P.E.P. § 713.04.

The following persons participated in the interview: Examiner Stephen E. Jones and Applicants' attorney Jerry L. Mahurin, Registration Number 34,661. Proposed amendments to the claims, using claim 1 as an example, were discussed. Particularly, Applicants' attorney proposed adding a limitation to claim 1 such as to indicate that at least one of the plurality of diodes is disposed in a shunt configuration. The Examiner indicated agreement that this

claim amendment distinguishes at least claim 1 over the art of record. However, the Examiner indicated that such an amendment would require further searching and/or examination. Thus, the above advanced amendments have been presented concurrently with filing of a Request for Continued Examination (RCE).

III. Rejection(s) under 35 U.S.C. §102(b)

Claims 1-3, 6, 7, 22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as anticipated by the *Agilent Reference*. Although as pointed out in the amendment filed July 15, 2003 Applicants believe these claims are allowable over the *Agilent Reference*, Applicants have amended independent claims 1 and 22 above. Independent claim 1 has been amended above to include a limitation that recites “wherein at least one other of said diodes is disposed in a shunt configuration.” Similarly, claim 22 has been amended to recite that “at least one diode of said plurality of diodes is a shunt diode with an anode coupled to said first control signal input and wherein an anode of at least one other shunt diode of said plurality of diodes is coupled to said second control signal input.” Basis for these limitations exists in the specification at least on page 9, line 21; page 11, lines 18 and 25; page 12, line 22; page 14, line 7; and is shown in FIGURES 2, 2A, 3 and 4. Thus, no new matter has been entered.

The recited reference does not teach all claimed limitations.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy at least these requirements.

As noted above, independent claim 1, as amended, recites “wherein at least one other of said diodes is disposed in a shunt configuration.” Similarly, claim 22, as amended, recites “at least one diode of said plurality of diodes is a shunt diode with an anode coupled to said

first control signal input and wherein an anode of at least one other shunt diode of said plurality of diodes is coupled to said second control signal input.”. The *Agilent Reference* does not disclose disposing diodes in a shunt configuration, therefore the *Agilent Reference* does not teach the claimed shunt diode limitations now present in claims 1 and 22.

Therefore, Applicants respectfully assert that independent claims 1 and 22 are patentable over the 35 U.S.C. §102 rejection of record. Furthermore, there are great differences between these claims and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2, 3, 6 and 7 ultimately depend from base independent claim 1 and claims 24 and 25 ultimately depend from base independent claim 22. Thus, each of claims 2, 3, 6, 7, 24 and 25 inherit all limitations of their respective base claims. Therefore, each of claims 2, 3, 6, 7, 24 and 25 set forth features and limitations not recited by the *Agilent Reference*. Thus, Applicants respectfully assert that, at least for the reasons advanced above in answering the rejections of independent base claims 1 and 22, claims 2, 3, 6, 7, 24 and 25 are patentable over the 35 U.S.C. §102 rejection of record.

IV. Claims indicated as allowable

The Final Action indicates that claims 8-15 and 28 contain patentable subject matter. Accordingly, claims 8, 13 and 28 have been amended above to place them in independent form. Claim 8 retains all of its original limitations. Claims 13 and 28 retain limitations believed to place these claims in condition for allowance. Therefore, Applicants respectfully request an indication of allowance of claims 8, 13 and 28.

New claims 49-51 include limitations removed from claim 13. Similarly, new claim 52 includes limitations removed from claim 28. New claim 53 contains limitations corresponding to limitations recited in other dependent claims, such as dependent claim 30, but claim 53 depends from now independent claim 28. Whereas, new claims 49-51 depend from now independent claim 13, and new claims 52 and 53 depend from now independent claim 28, claims 49-53 include all limitations of respective claims 13 and 28. Therefore, each of claims 49-53 are patentable. Resultantly, Applicants respectfully request an indication of allowance of new claims 49-53.

V. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Fees related to the above advanced claim amendments are dealt with in the accompanying Transmittal(s). Similarly, the Fee associated with the accompanying RCE are dealt with in the accompanying Transmittal(s). Applicant believes no further fee is due with this response. However, if an additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 49581/P030US/10104106 from which the undersigned is authorized to draw.

The examiner is respectfully requested to call the below listed attorney if he can be of assistance in furthering prosecution of the present application.

Dated: April 13, 2004

Respectfully submitted,

By 

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